

**Notice of Allowability**

Application No.

10/003,959

Examiner

Phuongchau Ba Nguyen

Applicant(s)

LEVINSON ET AL.

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**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 9-17-1 & interview 4-13-5.
2. ☒ The allowed claim(s) is/are 1-3, 5-24, 27-29; Renumbered as 1-26 respectively.
3. ☒ The drawings filed on 17 September 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),  
Paper No./Mail Date 4-13-5
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

### **EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

2. Authorization for this examiner's amendment was given in a telephone interview with Mr. Peter F. Malen Jr. on 4-13-5.

3. The application has been amended as follows:

**-Claim 1, line 10:**

---; and

a sensor coupled to the circuit and configured to detect a status of the optoelectronic device and to generate a corresponding sensor signal, wherein the circuit is configured to generate at least one new data packet containing information associated with the corresponding sensor signal, and wherein at least one data packet of the second data stream contains information associated with the sensor signal--- had been inserted before "."

**-Claim 4 had been canceled.**

**-Claim 17, line 2:**

"receiver" had been changed to ---transmitter---

**-Misnumbered claims 19-30 had been renumbered as 18-29.**

**-Claim 18, line 1:**

“18” had been changed to ---17---

**- Claim 19, line 1:**

“18” had been changed to ---17---

**- Claim 20, line 1:**

“18” had been changed to ---17---

**- Claim 21, line 1:**

“18” had been changed to ---17---

**- Claim 22, line 1:**

“18” had been changed to ---17---

**- Claim 23, line 1:**

“18” had been changed to ---17---

**- Claim 24, line 17:**

---; and a sensor for detecting an operating condition of the transceiver

and for providing sensed data to the control circuitry, wherein the control circuitry generates a data packet based on the sensed data to be outputted as part of at least one of: the optical signals; and, the electrical signals--- had been inserted before the “.”

**- Claims 25-26 had been canceled.**

4. The following is an examiner's statement of reasons for allowance:

Regarding claims 1-3, 5-7, the prior art fails to teach or suggest an optoelectronic device selected from one of an optoelectronic transceiver, an optoelectronic transmitter and an optoelectronic receiver, the device comprising “a circuit that identifies data packets in the first data stream having a packet destination address matching a predefined address assigned to the optoelectronic device and modifies the first data stream to generate a second data stream, the second data stream including at least a subset of the data packets in the first data stream; and a sensor coupled to the circuit and configured to detect a status of the optoelectronic device and to generate a corresponding sensor signal, wherein the circuit is configured to generate at least one new data packet containing information associated with the corresponding sensor signal, and wherein at least one data packet of the second data stream contains information associated with the sensor signal,” in combination with other limitations, as specified in the independent claim 1.

Regarding claims 8-16, the prior art fails to teach or suggest an optoelectronic device selected from one of an optoelectronic transceiver and an optoelectronic transmitter, the device comprising "a sensor configured to detect a status of the optoelectronic device and to generate a sensor signal representative of the status; a circuit coupled to the first interface and to the sensor, the circuit configured to identify a data packet in the first data stream having a packet destination address matching a predefined address assigned to the optoelectronic device, to generate a new data packet that includes information associated with the sensor signal in response to the identified data packet, and to generate a second data stream that includes at least a subset of the data packets in the first data stream," in combination with other limitations, as specified in the independent claim 8.

Regarding claims 17-23, the prior art fails to teach or suggest an optoelectronic device selected from one of an optoelectronic transceiver, an optoelectronic receiver and an optoelectronic receiver, the device comprising "a sensor configured to detect a status of the optoelectronic device and to generate a sensor signal representative of the status; a circuit coupled to the optical subassembly and to the sensor, the circuit configured to identify a data packet in the first data stream having a packet destination address matching a predefined address assigned to the optoelectronic device, to generate a new data packet containing information associated with the sensor signal in response to the identified data packet, and to generate a second data stream that

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includes at least a subset of the data packets in the first data stream," in combination with other limitations, as specified in the independent claim 17.

Regarding claims 24, 27-29, the prior art fails to teach or suggest a transceiver configured to couple to a host device, comprising "the electrical signals representative of a second plurality of data packets, the second plurality of data packets including the data packets that have the host destination address; and a sensor for detecting an operating condition of the transceiver and for providing sensed data to the control circuitry, wherein the control circuitry generates a data packet based on the sensed data to be outputted as part of at least one of: the optical signals; and, the electrical signals," in combination with other limitations, as specified in the independent claim 25.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phuongchau Ba Nguyen whose telephone number is 571-272-3148. The examiner can normally be reached on Monday-Friday from 10:00 a.m. to 2:00 p.m..

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on 571-272-3155. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Phuongchau Ba Nguyen  
Examiner  
Art Unit 2665

**DUCHO**  
**PRIMARY EXAMINER**

